

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NATALIA SIDIAKINA and SHERRYL
BAECKEL,

Plaintiffs,

v.

JAMES G. BERTOLI, JUDGE, ET AL.,

Defendants.

No. C 10-03157 JSW

**ORDER DISCHARGING ORDER
TO SHOW CAUSE AND
DENYING APPLICATION FOR
ENTRY OF DEFAULT
JUDGMENT**

On July 19, 2011, this Court issued an order to show caused to Plaintiffs as to why this case should not be dismissed for failure to prosecute. The Court admonished Plaintiffs that failure to respond to the order would result in dismissal. The Court has received Plaintiff Natalia Sidiakina's response and accordingly does not dismiss her action. Having not received any response – or any filing whatsoever – from Plaintiff Sherryl Baeckel, her claims are dismissed with leave to amend. The order to show cause dated July 19, 2011 is HEREBY DISCHARGED.

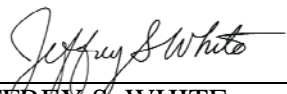
Plaintiff Sidiakina has also filed an application for entry of default judgment. Having provided for service of the second amended complaint by granting Plaintiff's application to proceed *in forma pauperis*, the Court finds that the Defendants are now properly served. However, because of the repeated delays in filing and prosecution of this matter, the Court does not find entry of default judgment against Defendants to be appropriate. Accordingly, the Court DENIES Plaintiff Sidiakina's application for entry of default. However, the matter is stayed and

1 any response to the operative complaint shall not be due until after the Court is able to conduct
2 a case management conference to discuss the issues raised in this matter.

3 Accordingly, and as requested by Plaintiff, the Court sets a case management
4 conference for December 16, 2011 at 1:30 p.m. The parties shall submit case management
5 conference statements by no later than December 9, 2011. The Court shall not continue this
6 matter further and any continued failure to prosecute shall result in dismissal.

7 **IT IS SO ORDERED.**

8
9 Dated: August 31, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

NATALIA SIDIAKINA et al,
Plaintiff,

Case Number: CV10-03157 JSW

CERTIFICATE OF SERVICE

v.

JAMES G. BERTOLI et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 31, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Natalia A. Sidiakina
P.O. Box 1187
Tiburon, CA 94920

Sherryl Baeckel
10520 Village Road
Moreno Valley, CA 92557

Dated: August 31, 2011



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk